

As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

I am concerned that the strong desire of movie studios and music recording labels will prevent consumers from being able to create their own "content". A coworker has talked about the possible effects on the small music ensemble he participates in, that too much control by the MPAA and RIAA over technology will make it impossible for his ensemble to record and distribute their own performances or their own original music creations. Playback devices too entrenched in broadcast flags and other restriction control methods may refuse to play back such "content", and recording devices may refuse to record or allow copies to be made of "content" that does not in any way belong to the industry executives, and prevent me from sharing a video I made of my kid's birthday party or graduation ceremony, school band performance, dance recital, etc. with the grandparents or other family and friends that may be interested. Recording devices may refuse to record or copy or allow playback on ! customers stereo systems of performances done by my coworker. Heck, recording devices of any kind might be made outright illegal.

I also disagree with executives who say there is no reason to be able to copy content for personal use. For example, DVD format movies are becoming very popular, due to their additional features like scenes deleted from the original release, and better than VHS picture and sound quality. They do have a problem, however, in that they are much more fragile than VHS tapes. The executives, in their quest for complete control of my access to the movies I have paid for in DVD form, have made my DVD player not output a signal my VCR can record. A way to protect against piracy, sure, but prevents what I believe to be fair use reasons for doing such a thing as well. For example, kids like to watch Disney movies and other family-oriented content, but younger ones can be rough-and-tumble or clumsy or curious about things and inadvertently scratch a DVD, making it unplayable. VHS tapes are more rugged and child-resistant. I would like the ability to record DVD movies I pay for to VHS tape, so that young children can use the VHS copy, drop it, throw it, draw on it with crayons, etc. like younger children may do, yet not destroy the content I have paid for. If such a VHS copy does get over-abused, the DVD copy is stored safely away and can be used to make a new VHS copy. While children can inadvertently abuse and break toys that would have to be replaced with a new purchase, video data is something that can be copied and restored, should rules or technology allow it, and I feel it is fair use to make such backup copies for this child-protection purpose. The executives have successfully destroyed this aspect of fair use, and it is now impossible to protect the content I have paid for because DVD players and VCRs are now designed to prevent fair use as well as legitimately prevent piracy.

I fear that over-use of the government to require DVD players, VCRs, TV sets, etc. to require such restriction protocols as part of their design will further erode and eventually completely eliminate fair use, and then go on to impede consumers from creating their own "content", such as those kids birthday parties, christmas gatherings, weddings, etc. The proposed broadcast flag is the next step in the executives' desire for unnecessary levels of control over what

I watch on TV. True die-hard pirates, the guys that illegally distribute copies of content, will always find some way around these measures, and will continue to do their dirty deeds. The only people hurting from the ever expanding content control methods are the legitimate consumers, who may be prevented from watching a TV show they missed during the original air time, as they were out of town, had a late meeting at work, were caring for an ill family member, doing emergency home maintenance like cleaning up after!

a water leak, or whatever other reason they weren't home or couldn't see the TV.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.